

Appl. No. 10/606,909  
Amdt. dated March 10, 2005  
Reply to Office action of Dec. 17, 2004  
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### REMARKS

#### **I. Claim Rejections – 35 USC § 102**

Claims 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Vachon (U.S. Pat. No. 5,531,780). Applicants respectfully traverse.

Claims 39 and 40, and new claims 41-45, are directed to the embodiment of Figs. 9-13. As recited in claim 39, the apparatus includes a locking mechanism. Claim 40 specifies a means for stabilizing the tubular member relative to body tissue through which the tubular member may extend. Nowhere in Vachon is there shown or suggested either structure. The office action identifies only an outer tubular body, an inner tubular member, and a fluid delivery catheter. Absent from the characterization of Vachon is an identification of either a locking mechanism or a means for stabilizing the tubular member relative to body tissue through which the tubular member may extend.


#### **II. Conclusion**

Based upon the amendments to claim 39 and the foregoing remarks, Applicants submit that all pending claims distinguish over Vachon and are allowable. A prompt notice of allowance is respectfully requested.

Respectfully submitted,

MICHAEL E. LECKRONE ET AL.

03/10/05  
Date

  
Girma Wolde-Michael  
Reg. No. 36,724  
(763) 514-6402  
Customer No. 27581